

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

REYNALDO VILLALOBOS,

Defendant and Appellant.

F042346

(Super. Ct. Nos. 98-58918, 99-
46021, 00-52321 & 02-95300)

OPINION

THE COURT*

APPEAL from judgments of the Superior Court of Tulare County. Darryl B. Ferguson, Judge.

Deborah Prucha, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Jo Graves, Assistant Attorney General, and Carlos A. Martinez, Deputy Attorney General, for Plaintiff and Respondent.

-ooOoo-

* Before Vartabedian, Acting P.J., Buckley, J., and Gomes, J.

In August 1999, in Tulare Superior Court case Nos. 98-58918 and 99-46021 (case Nos. 58918 and 46021, respectively), appellant Reynaldo Villalobos pled no contest to the following offenses: assault with a deadly weapon or by means of force likely to cause great bodily injury (Pen. Code, § 245, subd. (a)(1)),¹ disturbing the peace (§ 415, subd. (1)), petty theft (§ 484, subd. (a)), giving false information to a peace officer (§ 148.9, subd. (a)) and willfully delaying, resisting or obstructing a peace officer (§ 148, subd. (a)(1)). The court placed appellant on three years' probation.

In March 2000, in Tulare Superior Court case No. 00-52321 (case No. 52321), appellant pled guilty to making a criminal threat (§ 422). The court placed appellant on five years' probation.

In October 2002, in Tulare Superior Court case No. 02-95300 (case No. 95300), appellant pled no contest to transportation of methamphetamine (Health & Saf. Code, § 11379, subd. (a)), a felony, and three misdemeanors, viz., operating a motor vehicle while attempting to elude a pursuing peace officer (Veh. Code, § 2800.1, subd. (a)), fleeing the scene of an automobile accident which caused property damage (Veh. Code, § 20002, subd. (a)) and willfully delaying, resisting or obstructing a peace officer (§ 148, subd. (a)(1)), and admitted a “strike”² allegation.

In case No. 95300, the court imposed a prison term of four years, consisting of the two-year lower term on the felony conviction in case No. 95300, doubled pursuant to the three strikes law (§§ 667, subd. (e)(1); 1170.12, subd. (c)(1)). On each of the three misdemeanor convictions in that case, the court imposed sentences of 180 days and deemed the time served. In case No. 52321, the court terminated probation, imposed a

¹ Except as otherwise indicated, all statutory references are to the Penal Code.

² We use the term “strike” to describe a prior felony conviction that subjects a defendant to the increased punishment specified in the “three strikes” law (§§ 667, subds. (b)-(i); 1170.12).

concurrent two-year term and awarded appellant 289 days of custody credits. In each of case Nos. 58918 and 46021, the court terminated probation, imposed a concurrent term of 365 days and awarded appellant 289 days of custody credits.

Appellant's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Appellant has not responded to this court's invitation to submit additional briefing.

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

The judgment is affirmed.